

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AT2004/000074

International filing date (day/month/year)
20.02.2004

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
F02B63/04, F02B63/06, F01P3/20, F02G5/04, F01N5/02, F01N3/04, C02F1/44

Applicant
BIANCHI & CECCHI S.R.L.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Matray, J-F

Telephone No. +31 70 340-4291



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IT2004/000074

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IT2004/000074

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4-24
	No: Claims	1-3
Inventive step (IS)	Yes: Claims	
	No: Claims	1-24
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:
D1 : EP 0 205 045 A (INTERATOM) 17 December 1986 (1986-12-17)
D2 : EP 1 120 556 A (BIANCHI GIANFRANCO) 1 August 2001 (2001-08-01)
D3 : US 4 169 789 A (LERAT HENRY) 2 October 1979 (1979-10-02)
D4: US-A-4 658 771 (RAVIN ROBERT H) 21 April 1987 (1987-04-21)
D5: US-A-4 264 826 (ULLMANN WERNER) 28 April 1981 (1981-04-28)
- 2.1 Document D1 (cf. abstract, page 5, paragraphs 2 to page 6, paragraph 3; figure 1) discloses an operating unit comprising a first pump (4) for supplying water coming from outside the operating unit, filtering means (21) for treating the water supplied from outside the unit, a second pump (16) for feeding the water to said filtering means (21) and a water flow path extending between said first and second pumps (4,16), wherein along said water flow path the water flow is split so as to maintain predefined pressure conditions at the intake of the second pump.
No engine and generator are explicitly disclosed in D1 however their association with an operating unit according to D1 is well known in the art as seen in document D2 (cf. abstract, page 5, paragraphs 2 to page 6, paragraph 3; figure 1).
- 2.2 Therefore the subject-matter of **claim 1** is not new in the sense of Article 33(2) PCT and the present application does not meet the criteria of Article 33(1) PCT.
- 2.3 Dependent **claims 2-24** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT), because the subject-matter of **claims 2,3** is known from D1, the subject-matter of **claims 4-7,12,15** is known from the combination of D1 and D2, the subject-matter of **claims 8-10** is known from the combination of D1, D2 and D3 (cf. column 4, lines 43-58, column 8, line 56 to column 9, line 20; figure 2), the subject-matter of **claim 14** is known from the combination of D1,D2 and D4 (cf. column 2, lines 21-27; figure 2), the subject-matter of **claims 17-18** is known from the combination of D1,D2 and D5 (cf. column 1, line 64 to column 2, line 22; figure 1) and the subject-matter of **claims 11, 13, 16, 19-24** are merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without exercise of inventive step.

Re Item VII.

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not identified in the description.

Re Item VIII.

1. According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of the expressions "internal-combustion engine" and "motor", "operating unit" and "unit", "discharge branch" and "discharge duct"... for the same features.
2. The referenceback of claims 4, 8, 17 and 19 does not make sense (Article 6 EPC).